

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

EUGENE COLEGROVE, :
Plaintiff : **CIVIL ACTION NO. 3:15-0630**
v. : **(JUDGE MANNION)**
CAROLYN W. COLVIN, :
Commissioner of Social Security, :
Defendant :
:

MEMORANDUM

Pending before the court is the report of Judge Gerald B. Cohn, which recommends that the decision of the Commissioner of Social Security denying the plaintiff's application for benefits under the Act be vacated and the case be remanded to the Commissioner to develop the record fully, conduct a new administrative hearing and appropriately evaluate the evidence. (Doc. 16). On June 30, 2016, the defendant waived the opportunity to object to Judge Cohn's report. (Doc. 17). As of this date, the plaintiff has not filed objections to the report.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."

[Fed.R.Civ.P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc.](#), 702 F.Supp.2d 465, 469 (2010) (citing [Henderson v. Carlson](#), 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether

timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Cohn for recommending that the Commissioner's decision be vacated and that the action be remanded to the Commissioner for further consideration. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: July 11, 2016

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